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OFFICE OF PETITIONS

In re Application of Walker et al.	:	
Application No. 09/223,901	:	Decision on Petition
Filing Date: December 31, 1998	:	
Attorney Docket No. 98-084	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 30, 2006, to revive the above-identified application.

The petition is **granted**.

Facts:

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal mailed April 13, 2005, and no extensions of time under the provisions of 37 CFR 1.136(b) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the above-identified application became abandoned as of midnight on July 13, 2005. See MPEP 1215.04.

Petitioner filed a petition to revive, Request for Continued Examination, and amendment on December 5, 2005.

A non-final Office action was mailed February 27, 2005, during the period of abandonment.

The petition was dismissed February 28, 2006, due to the lack of a terminal disclaimer. The dismissal vacated the non-final Office mailed February 27, 2005.

The instant petition includes a terminal disclaimer.

Discussion:

The instant petition requests revival of the application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 3639 will be informed of the instant decision. The RCE and amendment filed December 5, 2005, will be entered and considered by the examiner.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions